



General Assembly

January Session, 2015

Raised Bill No. 974

LCO No. 3481



Referred to Committee on PROGRAM REVIEW AND INVESTIGATIONS

Introduced by:
(PRI)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING THE USE OF DRONES BY LAW
ENFORCEMENT OFFICERS AND OTHER STATE EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (5) of section 15-34 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (5) "Aircraft" means any contrivance used or designed for
5 navigation of or flight in air, including (A) airplanes, meaning power-
6 driven fixed-wing aircraft, heavier than air, supported by the dynamic
7 reaction of the air against their wings, (B) gliders, meaning heavier
8 than air aircraft, the free flight of which does not depend principally
9 upon a power-generating unit, and (C) rotorcraft, meaning power-
10 driven aircraft, heavier than air, supported during flight by one or
11 more rotors. "Aircraft" does not include unmanned aerial vehicles.

12 Sec. 2. Section 15-34 of the general statutes is amended by adding

13 subdivision (29) as follows (*Effective October 1, 2015*):

14 (NEW) (29) "Unmanned aerial vehicle" means any contrivance used
15 or designed for navigation of or flight in air that is power-driven and
16 operated without the possibility of direct human intervention from
17 within or on the contrivance.

18 Sec. 3. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
19 section:

20 (1) "Unmanned aerial vehicle" has the same meaning as provided in
21 subdivision (29) of section 15-34 of the general statutes, as amended by
22 this act;

23 (2) "Law enforcement agency" means the Division of State Police
24 within the Department of Emergency Services and Public Protection or
25 any municipal police department; and

26 (3) "Law enforcement officer" means any officer, employee or other
27 person otherwise paid by or acting as an agent of a law enforcement
28 agency.

29 (b) (1) A law enforcement officer may operate an unmanned aerial
30 vehicle, provided the operation is for law enforcement purposes only,
31 within the scope of the law enforcement officer's employment, and in
32 accordance with this section and regulations and policies established
33 by the Federal Aviation Administration.

34 (2) A law enforcement agency shall not operate an unmanned aerial
35 vehicle that is equipped with mace, tear gas or any like or similar
36 deleterious agent or a deadly weapon, as defined in section 53a-3 of
37 the general statutes, including, but not limited to, any explosive or
38 incendiary device, as defined in section 53-206b of the general statutes,
39 or any firearm, as defined in section 53a-3 of the general statutes.

40 (c) A law enforcement officer shall not operate an unmanned aerial
41 vehicle in a manner to collect information about an individual or

42 privately owned property unless (1) the individual or the owner of the
43 property has given advance written consent to such operation, (2) a
44 judge of the Superior Court or judge trial referee has issued a warrant
45 in accordance with section 54-33a of the general statutes, or (3) there is
46 a reasonable and articulable suspicion that an offense has been or is
47 being committed by such individual or on such property and the
48 operation of the unmanned aerial vehicle is limited to a total of
49 twenty-four hours within a thirty-day period.

50 (d) An individual or privately owned property shall be considered
51 to be the subject of information collected by the operation of an
52 unmanned aerial vehicle if the information allows the identity of the
53 person or the privately owned property to be ascertained or if the law
54 enforcement officer operating the unmanned aerial vehicle
55 acknowledges such individual or such property was the subject of the
56 information.

57 (e) (1) Information that was collected through the operation of an
58 unmanned aerial vehicle that concerns an individual or privately
59 owned property that was not the subject of a warrant shall be
60 reviewed by the law enforcement agency that collected the information
61 within ninety days from the date of collection. The collected
62 information shall be destroyed or modified pursuant to subdivision (2)
63 of this subsection or retained pursuant to subdivision (3) of this
64 subsection.

65 (2) If such information allows the identity of an individual or
66 privately owned property to be ascertained and there is no reasonable
67 and articulable suspicion that an offense was committed by the
68 individual or on the property, such law enforcement agency shall (A)
69 destroy such information within forty-eight hours after such review, or
70 (B) permanently modify such information so that the identity of such
71 individual or such property cannot be ascertained, and then such law
72 enforcement agency may retain the modified information for a period
73 of not more than five years from the date of collection and after such

74 retention, such law enforcement agency shall destroy the modified
75 information.

76 (3) If such information allows the identity of an individual or
77 privately owned property to be ascertained and there is reasonable
78 and articulable suspicion that an offense was committed by the
79 individual or on the property, such law enforcement agency may
80 retain such information for a period of not more than five years from
81 the date of collection and after such retention, then destroy such
82 information, except that, if a warrant is issued in accordance with
83 section 54-33a of the general statutes based in part on such
84 information, such information may be retained pursuant to the
85 warrant.

86 (f) (1) Not later than January 1, 2016, the Department of Emergency
87 Services and Public Protection shall develop and promulgate a model
88 policy that provides guidelines on the destruction, modification and
89 retention of information collected by the operation of an unmanned
90 aerial vehicle by a law enforcement agency.

91 (2) Each law enforcement agency that owns or authorizes a law
92 enforcement officer to operate an unmanned aerial vehicle shall adopt
93 and maintain a written policy that meets or exceeds the model policy
94 developed by the Department of Emergency Services and Public
95 Protection pursuant to subdivision (1) of this subsection regarding the
96 destruction, modification and retention of information collected by the
97 operation of an unmanned aerial vehicle either before taking
98 ownership of an unmanned aerial vehicle or not later than thirty days
99 after a law enforcement officer operates an unmanned aerial vehicle.

100 (g) Each law enforcement agency that owns an unmanned aerial
101 vehicle shall register the unmanned aerial vehicle with the Office of
102 Policy and Management not later than thirty days after taking
103 ownership of the unmanned aerial vehicle. The registration shall be on
104 a form prescribed by the Office of Policy and Management and shall

105 include the name of the law enforcement agency, the name, job title
106 and contact information of each law enforcement officer who is
107 authorized to operate the unmanned aerial vehicle, and a description
108 of the unmanned aerial vehicle, including, but not limited to, the name
109 of the manufacturer, the model number and the serial number. The
110 law enforcement agency shall post such registration on its Internet web
111 site.

112 (h) Not later than January fifteenth of each year, each law
113 enforcement agency that operated an unmanned aerial vehicle in the
114 preceding calendar year shall report to the Chief State's Attorney: (1)
115 The number of times the law enforcement agency operated an
116 unmanned aerial vehicle in the preceding calendar year; (2) a list of all
117 occasions when an unmanned aerial vehicle was operated with the
118 following details for each operation: (A) The date, time and duration of
119 operation, (B) the location of such operation, (C) the reason for such
120 operation, (D) whether the unmanned aerial vehicle was operated
121 pursuant to a warrant, (E) the number of times the type of information
122 collected through the operation of an unmanned aerial vehicle
123 provided reasonable and articulable suspicion that a criminal offense
124 was being committed; and (3) the law enforcement agency's
125 compliance with the policy adopted pursuant to subdivision (2) of
126 subsection (f) of this section, including the number of times the law
127 enforcement agency reviewed and destroyed information collected by
128 the operation of an unmanned aerial vehicle and the number of times
129 such law enforcement agency destroyed information collected by the
130 operation of an unmanned aerial vehicle without reviewing such
131 information.

132 (i) Not later than April fifteenth of each year, the Chief State's
133 Attorney, based on the reports filed by law enforcement agencies
134 pursuant to subsection (h) of this section, shall post on its Internet web
135 site a report concerning the operation of unmanned aerial vehicles by
136 law enforcement agencies during the preceding calendar year. The
137 report shall include a summary and an analysis of the information

138 received from the law enforcement agencies. The report shall also
139 identify any law enforcement agency that registered an unmanned
140 aerial vehicle pursuant to subsection (g) of this section or submitted a
141 report in a previous reporting period pursuant to subsection (h) of this
142 section, but did not submit a report for the current reporting period.

143 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
144 section:

145 (1) "Unmanned aerial vehicle" has the same meaning as provided in
146 subdivision (29) of section 15-34 of the general statutes, as amended by
147 this act;

148 (2) "State agency" has the same meaning as provided in section 1-79
149 of the general statutes, except that "state agency" does not include a
150 law enforcement agency, as defined in section 2 of this act; and

151 (3) "State employee" means any officer, employee or other person
152 otherwise paid by or acting as an agent of a state agency.

153 (b) Any state agency may authorize a state employee to operate an
154 unmanned aerial vehicle, provided the operation is within the scope of
155 the state employee's employment, and in accordance with this section
156 and regulations and policies established by the Federal Aviation
157 Administration.

158 (c) Each state agency that owns an unmanned aerial vehicle shall
159 register the unmanned aerial vehicle with the Office of Policy and
160 Management not later than thirty days after taking ownership of the
161 unmanned aerial vehicle. The registration shall be on a form
162 prescribed by the Office of Policy and Management and shall include
163 the name of the state agency, the name, job title and contact
164 information of each state employee who is authorized to operate the
165 unmanned aerial vehicle, and a description of the unmanned aerial
166 vehicle, including, but not limited to, the name of the manufacturer,
167 the model number and the serial number. The state agency shall post

168 such registration on its Internet web site.

169 (d) Not later than January fifteenth of each year, each state agency
170 that permitted a state employee to operate an unmanned aerial vehicle
171 in the preceding calendar year shall submit a report to the Office of
172 Policy and Management. The report shall include a list of all occasions
173 when an unmanned aerial vehicle was operated with the following
174 details for each operation: (1) The date, time and duration of operation,
175 (2) the location of such operation, and (3) the reason for such
176 operation.

177 (e) Not later than April fifteenth of each year, the Office of Policy
178 and Management, based on the reports filed by state agencies pursuant
179 to subsection (d) of this section, shall post on its Internet web site a
180 report concerning the operation of unmanned aerial vehicles by state
181 agencies during the preceding calendar year. The report shall include a
182 summary and an analysis of the information received from the state
183 agencies. The report shall also identify any state agency that registered
184 an unmanned aerial vehicle pursuant to subsection (c) of this section or
185 submitted a report in a previous reporting period pursuant to
186 subsection (d) of this section, but did not submit a report for the
187 current reporting period.

188 Sec. 5. Subsection (c) of section 12-455a of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective*
190 *October 1, 2015*):

191 (c) "Motor vehicle" means any vehicle propelled or drawn by any
192 power other than muscular, except aircraft, unmanned aerial vehicles,
193 as defined in subdivision (29) of section 15-34, as amended by this act,
194 motorboats, road rollers, baggage trucks used about railroad stations,
195 electric battery-operated [wheel chairs] wheelchairs when operated by
196 physically handicapped persons at speeds not exceeding fifteen miles
197 per hour, agricultural tractors, farm implements and such vehicles as
198 run only upon rails or tracks;

199 Sec. 6. Subdivision (53) of section 14-1 of the general statutes is
200 repealed and the following is substituted in lieu thereof (*Effective*
201 *October 1, 2015*):

202 (53) "Motor vehicle" means any vehicle propelled or drawn by any
203 nonmuscular power, except aircraft, unmanned aerial vehicles, as
204 defined in subdivision (29) of section 15-34, as amended by this act,
205 motor boats, road rollers, baggage trucks used about railroad stations
206 or other mass transit facilities, electric battery-operated [wheel chairs]
207 wheelchairs when operated by physically handicapped persons at
208 speeds not exceeding fifteen miles per hour, golf carts operated on
209 highways solely for the purpose of crossing from one part of the golf
210 course to another, golf-cart-type vehicles operated on roads or
211 highways on the grounds of state institutions by state employees,
212 agricultural tractors, farm implements, such vehicles as run only on
213 rails or tracks, self-propelled snow plows, snow blowers and lawn
214 mowers, when used for the purposes for which they were designed
215 and operated at speeds not exceeding four miles per hour, whether or
216 not the operator rides on or walks behind such equipment, motor-
217 driven cycles as defined in section 14-286, special mobile equipment as
218 defined in section 14-165, mini-motorcycles, as defined in section 14-
219 289j, and any other vehicle not suitable for operation on a highway;

220 Sec. 7. Subdivision (20) of section 22a-134 of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective*
222 *October 1, 2015*):

223 (20) "Vehicle" means any motorized device for conveying persons or
224 objects except for an aircraft [,] or unmanned aerial vehicle, as defined
225 in subdivision (29) of section 15-34, as amended by this act, or a boat,
226 railroad car or engine, or farm tractor;

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2015</i> | 15-34(5) |

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| Sec. 2 | <i>October 1, 2015</i> | 15-34 |
| Sec. 3 | <i>October 1, 2015</i> | New section |
| Sec. 4 | <i>October 1, 2015</i> | New section |
| Sec. 5 | <i>October 1, 2015</i> | 12-455a(c) |
| Sec. 6 | <i>October 1, 2015</i> | 14-1(53) |
| Sec. 7 | <i>October 1, 2015</i> | 22a-134(20) |

Statement of Purpose:

To establish standards, registration and reporting requirements for the use of drones by law enforcement officers and other state employees.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]